IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:	)	
	)	Attorney Docket No. 02973.00031
HALAZONETIS, et al.	)	
	)	Group Art Unit: Unknown
Divisional of Serial No.: 08/894,327, filed December 4, 1997	)	Examiner: Unknown
Filed: Herewith 4-11-2001	)	

For: PEPTIDES AND PEPTIDOMIMETICS WITH STRUCTURAL SIMILARITY TO HUMAN p53 THAT ACTIVATES p53 FUNCTION

PRELIMINARY AMENDMENT
and
SUBMISSION OF SEQUENCE LISTING

Commissioner for Patents
Washington, D. C. 20231

Sir:

Prior to examination on the merits and calculation of claim fees, please amend the attached divisional application as follows:

IN THE SPECIFICATION:

On page 1, between the title of the application and "Field of the Invention," please insert the following paragraph:

--This application is a divisional of U.S. Serial No. 08/894,327, filed December 4, 1997, which is a 371 of PCT/US96/01535, filed February 16, 1996 and a continuation-in-part of U.S. Serial No. 08/392,542, filed February 16, 1995, now U.S. Patent No. 6,169,073.--

Please substitute the attached pages of the Sequence Listing which are numbered pages 31-40 for original pages 31-44 of the specification. Please renumber pages 45-47 of the original specification as pages 41-43.

IN THE CLAIMS:

Please cancel claims 1-22.

Please amend claims 23 and 24 as follows:

23. (AMENDED) A method of treating an individual for a condition selected from the group consisting of exposure to DNA damaging agents, abnormal cell proliferation characteristic of psoriasis, atherosclerosis, cancer, and arterial restenosis, undesirable immune response accompanying rejection of a transplant and an autoimmune disease, comprising administering to the patient a pharmaceutical composition comprising a peptide having at least four sequential amino acids from a negative regulatory region which maps to residues 361-383 (SEQ. ID. No. 12) of p53, said peptide not being a subfragment of human p53, wherein said peptide activates DNA binding of wild-type p53 or a p 53 mutant containing a single amino acid substitution, said mutant selected from the group consisting of p53-ser^{239}, p53-his^{273}, .p53-gln^{248}, p53-trp^{282}, and p53-cys^{273}, in a p53 DNA binding assay and a pharmaceutically acceptable carrier.

24. (AMENDED) A method for treating a patient having a tumor expressing a p53 mutant whose ability to bind DNA may be activated by peptides, modified peptides or peptidomimetics corresponding to all or a portion of the negative regulatory region which maps to residues 361-383 of p53, said method comprising administering to said patient a pharmaceutical composition comprising a peptide having at least four sequential amino acids from a negative regulatory region which maps to residues 361-383 (SEQ. ID. No. 12) of p53, said peptide not being a subfragment of human p53, wherein said peptide activates DNA binding of wild-type p53 or a p 53 mutant containing a single amino acid substitution, said mutant selected from the group consisting of p53-ser^{239}, p53-his^{273}, .p53-gln^{248}, p53-trp^{282}, and p53-cys^{273}, in a p53 DNA binding assay and a pharmaceutically acceptable carrier.

SEQUENCE LISTING

Applicant requests that the computer readable form of the Sequence Listing be obtained from the parent file U.S. Serial No. 08/894,327. Applicants believe that the paper copy of the Sequence Listing attached hereto and the computer readable copy of the Sequence Listing found in the parent application U.S. Serial No. 08/894,327 are the same as the Sequence Listing originally disclosed in the specification and contain no new matter relative to the subject application as originally filed.

REMARKS

Claims 23-26 are pending in this application. A marked-up set of amended claims 23-26 are enclosed. Applicant respectfully requests examination on the merits of the pending claims.

Respectfully submitted,

Ajay Pathak

Date: April 11, 2001

Ajay Pathak
Registration No. 38,266

BANNER & WITCOFF, LTD.
1001 G Street, N.W., 11th Floor
Washington, DC 20001
Tel: (202) 508-9100
Fax: (202) 508-9299

Attachment: Sequence Listing (Replacement Pages 31-40)
Marked-up Set of Amended Claims

AP:lab
386067_1.DOC

Marked-up Set of Amended Claims

IN THE CLAIMS:

Claims 23 and 24 have been amended as follows:

23. (AMENDED) A method of treating an individual for a condition selected from the group consisting of exposure to DNA damaging agents, abnormal cell proliferation characteristic of psoriasis, atherosclerosis, cancer, and arterial restenosis, undesirable immune response accompanying rejection of a transplant and an autoimmune disease, comprising administering to the patient a pharmaceutical composition ~~of claim 22~~ comprising a peptide having at least four sequential amino acids from a negative regulatory region which maps to residues 361-383 (SEQ. ID. No. 12) of p53, said peptide not being a subfragment of human p53, wherein said peptide activates DNA binding of wild-type p53 or a p 53 mutant containing a single amino acid substitution, said mutant selected from the group consisting of p53-ser^{239}, p53-his^{273}, .p53-gln^{248}, p53-trp^{282}, and p53-cys^{273}, in a p53 DNA binding assay and a pharmaceutically acceptable carrier.

24. (AMENDED) A method for treating a patient having a tumor expressing a p53 mutant whose ability to bind DNA may be activated by peptides, modified peptides or peptidomimetics corresponding to all or a portion of the negative regulatory region which maps to residues 361-383 of p53, said method comprising administering to said patient a pharmaceutical composition ~~according to claim 22~~comprising a peptide having at least four sequential amino acids from a negative regulatory region which maps to residues 361-383 (SEQ. ID. No. 12) of p53, said peptide not being a subfragment of human p53, wherein said peptide activates DNA binding of wild-type p53 or a p 53 mutant containing a single amino acid substitution, said mutant selected from the group consisting of p53-ser^{239}, p53-his^{273}, .p53-gln^{248}, p53-trp^{282}, and p53-cys^{273}, in a p53 DNA binding assay and a pharmaceutically acceptable carrier.